



U.S. Department of the Interior
"To-Be" Trust Business Model
Process Template

Title: Perform Enforcement Action

Identify the process in the "Verb Noun" format. (Ex: Maintain Ownership)

Process Number
UM.4.4

1. Process Definition *Provide an overview of the process and define its starting and ending points*

1.1 Starts With	The determination that a sanction or corrective action needs to be taken.
1.2 Process Overview	<p>Enforcement action may be initiated by the government or at the request of a landowner. If a landowner provides notification that a specific lease violation has occurred, an investigation is initiated within 5 business days of the notification. If it is determined that a violation has occurred, the lessee is sent a notice of violation within 5 business days of the determination. The lessee must cure the violation, request additional time to cure the violation or dispute the violation within 10 days of receipt of notice. In some cases, bonds may be forfeited or monetary damages assessed and in other cases, legal and administrative actions may be taken to prevent further adverse impacts. Additionally, a lease may be terminated or canceled if any of the provisions of the lease have been violated and remain uncorrected after the notice to correct has been provided the lessee.</p> <p>If inspection of non-leased land indicates land or natural resources are being wasted, the landowner(s) is contacted and a remedy sought.</p>
1.3 Stops With	The completion of the enforcement action approved.

2. Trust Business Objectives *Identify the Comprehensive Trust Model strategic goals and business objectives to which this process contributes.*

Goal/Objective
GOAL 4: LAND AND NATURAL RESOURCES MANAGEMENT THAT MAXIMIZES RETURN WHILE MEETING BENEFICIARY DESIRES OBJECTIVE 4.1: LAND AND NATURAL RESOURCE ASSET PLANS AND STEWARDSHIP
OBJECTIVE 4.1: LAND AND NATURAL RESOURCE ASSET PLANS AND STEWARDSHIP STRATEGIES Develop land and natural resource asset plans and stewardship strategies.
OBJECTIVE 4.2: PRESERVATION AND PROTECTION OF LAND AND NATURAL RESOURCE ASSETS Preserve and protect the long-term viability of land and natural resource assets consistent with fiduciary duties and with the beneficiaries' intended use of the assets.
OBJECTIVE 4.3: LAND AND NATURAL RESOURCE ASSET BUSINESS MANAGEMENT Manage land and natural resource assets effectively and proactively to obtain



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3. How should Beneficiaries be involved in this process?

Beneficiary Involvement

A beneficiary may report suspected noncompliance problems.

4. Organizations, Offices and Roles. Identify the DOI organizations and related roles that should be involved in performing the process.

4.1 DOI Organizations. Identify the DOI organizations, offices and individual roles that contribute to this process. DOI organizations include the Office of the Secretary, BIA, OST, BLM, MMS, OHA, OSM among others. Offices include Central Offices, Regional Offices, Agency(Field) Offices, etc. All individual roles that contribute, in a significant manner, should be identified.

Organization	Office	Role	Contribution
BIA	Agency		Make a recommendation for sanction Approve or modify a recommendation for a sanction. Implement a sanction once it is approved.
BIA	Office of the Field Solicitor		Review proposed action in major cases of enforcement or legal action.
OST	Agency		Review proposed action for enforcement and legal action. Assist in major cases of violations where monetary damages are pending.
Tribe	Tribal courts		Perform prosecution of tribal codes in relation to tribal land use laws.
Compacted or Contracted Tribe	Tribal Program Office		Perform all DOI functions except those considered inherently federal.



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4.2 External Organizations. *Identify the non-DOI organizations that support the execution of or contribute to this process.*

External Organization	Contribution
Justice Department	Prosecute major cases of violations that exceed certain thresholds

5. Event(s) *Identify the events or conditions that start the process. Describe each event and indicate the frequency (daily, monthly, quarterly, etc.) in which each event is expected to occur. An event may be an external interaction (a beneficiary submits an application), the expiration of a period of time (a lease is due to expire in 90 days), or the realization of some pre-defined threshold (an IIM account reaches the automatic disbursement threshold).*

Event	Description	Estimated Frequency
A determination of a need for enforcement action	After reviewing assessment reports, a program manager or line official may initiate sanctions.	

6. Inputs and Outputs. *Identify and describe all inputs and outputs related to this process. Inputs are information or materials used during the execution of the process; outputs are materials or information produced by the process.*

6.1 Inputs

Input	Description
Assessment report	Assessment report provides for the review and determination of non-compliance activity.

6.2 Outputs

Output	Description
Legal action	Remedies to enforce penalties are prosecuted at the tribal or federal level.
Assessment of damages	Damage assessments to billing to the offending party and/or collection bonds.
Cancellation of LNR Use Agreement	Use agreements may be terminated for cause in cases of violations to terms and conditions of agreements.
Tribal or other legal actions and /or involvement	Once enforcement reaches a stage of civil or criminal prosecution then appropriate referrals are made to proper authorities.



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7. Fiduciary and Legal Obligations and Controls

7.1 Obligations

Identify and describe the legal and fiduciary obligations that impact this process. For each obligation, indicate the document or commitment that defines the obligation and the citation (paragraph or section) within the document that pertains to this process.

Obligation	Source	Business Impact
See attached Schedule 1		

7.2 Controls

Identify and describe any controls (enforcement mechanisms) that may be used to ensure that the process adheres to obligations and internal process requirements. Controls may be reviews, audits, segregated duties, etc. Indicate the reason that each control should be introduced (name the obligation that a control is intended to enforce; indicate any controls required to ensure consistency or reliability).

Control	Reason	Description
None		

8. Mechanisms (Systems of Record)

Identify the mechanisms, or systems, that are needed to support the process (ex: Ownership, Leasing, Workflow Management, Office Filing System, etc.). Indicate the information and activities, relevant to this process, that each system supports.

System Name	Support
Automated land management tracking and record system	This system will document monitoring and enforcement actions taken.

9. Inter-Process Relationships

Identify other trust processes that are related to this process (either predecessors or successors). If applicable, indicate the condition under which the processes are related.

9.1 Predecessors.

Predecessors are processes that either produce information required by this process or that result in the need to execute this process.

Process No.	Name	Condition of Relationship
UM.4.3	Assess MU Unit Status	MU assessments will make determinations as to necessary enforcement actions to be recommended.



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9.2 Successors. *Successors are processes that either use information produced by this process or that must be executed as a result of performing this process.*

Process No.	Name	Condition of Relationship
FO.1.4	Impose Penalties and Generate Notices	Land use non-compliance issues may result in fines and penalties.
UM.2.8	Close Land Use Contract	Closure of the land use agreement may be considered the most appropriate remedy for enforcement of land use contract.

10. Comments *Summarize any discussion, problems, issues or recommendations that should be considered when reviewing process performance. Category Values (Note, Best Practice, Decision, Problem, Issue, Recommendation)*

Category	Comment
Issue	Many violations fall below the financial threshold for prosecution particularly in PL 280 States.